

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 11

March 5, 2008

SUBJECT: REPORTING INCIDENTS POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM

PURPOSE: Current anti-terrorism philosophy embraces the concept that America's 800,000 law enforcement officers fill a critical position in the area of terrorism prevention. Law enforcement authorities must carry out their counter-terrorism responsibilities within the broader context of their core mission of providing emergency and non-emergency services in order to prevent crime, violence and disorder. In support of this, the Department's Counter-Terrorism and Criminal Intelligence Bureau (CTCIB) is engaging in an effort to more thoroughly gather, analyze and disseminate information and observations, of either a criminal or suspicious nature, which may prove critical to the intelligence cycle.

This Order establishes Department policy for investigating and reporting crimes and non-criminal incidents that represent indicators of potential foreign or domestic terrorism, and incorporates within the Department Manual a procedure for gathering and maintaining information contained in such reports.

POLICY: It is the policy of the Los Angeles Police Department to make every effort to accurately and appropriately gather, record and analyze information, of a criminal or non-criminal nature, that could indicate activity or intentions related to either foreign or domestic terrorism. These efforts shall be carried out in a manner that protects the information privacy and legal rights of Americans, and therefore such information shall be recorded and maintained in strict compliance with existing federal, state and Department guidelines regarding Criminal Intelligence Systems (28 Code of Federal Regulations (CFR), Part 23 and applicable California State Guidelines).

PROCEDURE:

I. DEFINITIONS.

- A. Suspicious Activity Report.** A Suspicious Activity Report (SAR) is a report used to document any reported or observed activity, or any criminal act or attempted criminal act, which an officer believes may reveal a nexus to foreign or domestic terrorism. The information reported in a SAR may be the result

of observations or investigations by police officers, or may be reported to them by private parties.

Incidents which shall be reported on a SAR are as follows:

- * Engages in suspected pre-operational surveillance (uses binoculars or cameras, takes measurements, draws diagrams, etc.);
- * Appears to engage in counter-surveillance efforts (doubles back, changes appearance, evasive driving, etc.);
- * Engages security personnel in questions focusing on sensitive subjects (security information, hours of operation, shift changes, what security cameras film, etc.);
- * Takes measurements (counts footsteps, measures building entrances or perimeters, distances between security locations, distances between cameras, etc.);
- * Takes pictures or video footage (with no apparent esthetic value, i.e. camera angles, security equipment, security personnel, traffic lights, building entrances, etc.);
- * Draws diagrams or takes notes (building plans, location of security cameras or security personnel, security shift changes, notes of weak security points, etc.);
- * Abandons suspicious package or item (suitcase, backpack, bag, box, package, etc.);
- * Abandons vehicle (in a secured or restricted location i.e. the front of a government building, airport, sports venue, etc.);
- * Attempts to enter secured or sensitive premises or area without authorization (i.e. "official personnel," closed off areas of airport, harbor, secured areas at significant events such as appearances by politicians, etc);
- * Engages in test of existing security measures (i.e. "dry run", security breach of perimeter fencing, security doors, etc., creating false alarms in order to observe reactions, etc.);
- * Attempts to smuggle contraband through access control point (airport screening centers,

- security entrance points at courts of law, sports games, entertainment venues, etc.);
- * Makes or attempts to make suspicious purchases, such as large amounts of otherwise legal materials (i.e. pool chemicals, fuel, fertilizer, potential explosive device components, etc);
 - * Attempts to acquire sensitive or restricted items or information (plans, schedules, passwords, etc);
 - * Attempts to acquire illegal or illicit explosives or precursor agents;
 - * Attempts to acquire illegal or illicit chemical agent (nerve agent, blood agent, blister agent, etc.);
 - * Attempts to acquire illegal or illicit biological agent (anthrax, ricin, Ebola, small pox, etc.);
 - * Attempts to acquire illegal or illicit radiological material (uranium, plutonium, hospital x-ray discards, etc.);
 - * In possession, or utilizes, explosives (for illegal purposes);
 - * In possession, or utilizes, chemical agent (for illegal purposes, i.e. dry ice bomb, chlorine, phosgene, WMD attack, etc);
 - * In possession, or utilizes, biological agent (for illegal purposes, i.e. terrorist device, WMD or a tool of terrorism, etc.);
 - * In possession, or utilizes, radiological material (for illegal purposes, i.e. as a weapon, etc.);
 - * Acquires or attempts to acquire uniforms without a legitimate cause (Service personnel, government uniforms, etc);
 - * Acquires or attempts to acquire official or official-appearing vehicle without a legitimate cause (i.e. emergency or government vehicle, etc.);
 - * Pursues specific training or education which indicate suspicious motives (flight training, weapons training, etc);
 - * Stockpiles unexplained large amounts of currency;
 - * In possession of multiple passports, identifications or travel documents issued to the same person;
 - * Espouses extremist views (verbalizes support of terrorism, incites or recruits others to engage in terrorist activity, etc.);

- * Brags about affiliation or membership with extremist organization ("white power", militias, KKK, etc.);
- * Engages in suspected coded conversations or transmissions (i.e. email, radio, telephone, etc., i.e. information found during a private business audit is reported to police);
- * Displays overt support of known terrorist networks (posters of terrorist leaders, etc.);
- * Utilizes, or is in possession of, hoax/facsimile explosive device;
- * Utilizes, or is in possession of, hoax/facsimile dispersal device;
- * In possession of, or solicits, sensitive event schedules (i.e. Staples Center, Convention Center);
- * In possession of, or solicits, VIP Appearance or Travel Schedules;
- * In possession of, or solicits, security schedules;
- * In possession of, or solicits, blueprints to sensitive locations;
- * In possession of, or solicits, evacuation plans;
- * In possession of, or solicits, security plans;
- * In possession of, or solicits, weapons or ammunition;
- * In possession of, or solicits, other sensitive materials (passwords, access codes, secret government information, etc.); and,
- * In possession of coded or ciphered literature or correspondence.

B. Involved Party (IP). An involved party (IP) is an individual that has been observed engaging in suspicious activity of this nature, when no definitive criminal activity can be identified, thus precluding their identification as a suspect.

II. REPORTING AND INVESTIGATING.

A. Employees - Responsibilities. Any Department employee receiving any information regarding suspicious activity of this nature shall:

- * Investigate and take appropriate action, to include any tactical response or notifications to specialized entities.

Note: This section does not preclude, in any way, an employee taking immediate action during the commission of a criminal act, or in circumstances which require the immediate defense of life, regardless of the nature or origin.

- * If the activity observed is not directly related to a reportable crime, officers shall record the information collected from the person reporting, or their own observations, on an Investigative Report (IR), Form 03.01.00, titled "Suspicious Activity" in accordance with the following guidelines:
 - * If the person reporting (R) is willing to be contacted by investigators, they shall be listed within the Involved Persons portion of the IR. Officers shall consider utilizing a "Request for Confidentiality of Information," Form 03.02.00, to ensure confidentiality. If absolutely necessary, officers can enter "Anonymous" for person reporting. Any desire by a person reporting to remain anonymous does not exempt officers from the requirement to complete an IR.
 - * If the potential target of the activity can be identified, such as a government building or official being surveilled, that location or individual shall be listed within the "Victim" portion of the IR. Otherwise the "City of Los Angeles" shall be listed as the victim.
 - * If the information includes an involved party(IP), officers shall identify or fully describe IPs within the narrative (page 2) of their report, along with any vehicle descriptions or other pertinent information.

- * If the information is related to a regular criminal investigation (such as a bomb threat, criminal threats, trespassing, etc.), the officers shall complete the criminal investigation, make any appropriate arrests and complete any related reports. The officers shall include any additional information that provides the nexus to terrorism within the narrative of the crime or arrest report.
- * Should officers come across information that indicates possible terrorism-related activity while investigating an unrelated crime or incident (e.g., such as officers conducting a domestic violence investigation observe possible surveillance photographs and a map of the region surrounding a government facility), or should they conduct an impound or found property investigation which is suspicious in nature, the officers shall make no mention of this potential terrorism-related material or activity within the impound, property, crime or arrest report. Under these circumstances, the officers shall complete a separate SAR in addition to the crime or arrest report, and shall note the criminal investigation, impound or found property investigation as their source of their activity.
- * Officers shall note on the left margin of any arrest facesheet or IR that the report is to be sent to CTCIB, Major Crimes Division.

Note: The Investigative Report is currently being revised to include "SAR" and "Original to CTCIB, Major Crimes Division" boxes to be checked when appropriate. The revised IR will also include additional entries for involved parties and involved vehicles.

- * Notify Major Crimes Division (contact Real-Time Analysis and Critical Response [RACR] Division for off hours notification) for guidance or if the report involves an arrest or a crime with follow-up potential.
- * Notify the Watch Commander, Area of occurrence.

- * Upon approval by the Watch Commander, ensure the Area Records Unit is made aware of the report, immediately assigns a DR number and forwards the original report to MCD.

Note: Nothing in this Order alters existing policies regarding notifications to required specialized units such as Bomb Squad, Hazardous Materials Unit, Criminal Conspiracy Section or RACR Division.

- B. Hazardous Materials and Devices Section, Emergency Services Division - Responsibility.** Personnel assigned to the Bomb Squad, Hazardous Materials/ Environmental Crimes, or Airport K-9 Bomb Detection Unit shall ensure that a SAR is completed on all incidents on which they respond where a potential nexus to terrorism exists. Suspicious Activity Reports completed by personnel assigned to these units shall be processed through a geographic Area Records Unit as directed below.
- C. Watch Commanders - Responsibilities.** Upon notification that officers have received information regarding suspicious activity, the Watch Commander shall:
- * Ensure the information supports the completion of a SAR report and that no greater law enforcement response or notifications to MCD are currently needed;
 - * Review the report for completeness; and,
 - * Ensure the Area Records Unit immediately assigns a DR Number and forwards the original report to MCD.
- D. Major Crimes Division - Responsibility.** Upon receiving a telephonic notification of suspicious activity, MCD personnel shall, when appropriate, conduct immediate debriefs of arrestees, or provide the appropriate guidance to patrol officers. Upon receiving a SAR report forwarded to MCD, assigned personnel shall follow established protocols regarding the processing of such information.

E. Records Personnel - Responsibilities. Upon receipt of a SAR-related incident, crime or arrest report, records personnel shall:

- * Enter the information into the CCAD system, including any appropriate CTCIB-related codes; and,
- * Send the original report to "CTCIB/Major Crimes Division, Stop 1012" as soon as practicable, but no later than 24 hours after the report is taken. No copies of the report shall be maintained at the Area.

F. Area Detectives Personnel - Responsibilities. Upon receipt of a SAR-related crime or arrest report Area detectives shall:

- * Ensure the report has been screened by MCD personnel and referred back to the geographic Area for investigation; and,
- * Complete the investigation per normal policies and guidelines.

Note: If the report is a SAR-related incident only, or a crime or arrest report which arrives at an Area Detective Division without having been reviewed by MCD personnel, Area detectives shall immediately forward the report to MCD (no copies shall be retained at the Area).

G. Counter-Terrorism and Criminal Intelligence Bureau - Responsibility. Counter-Terrorism and Criminal Intelligence Bureau (CTCIB) is responsible for providing Department personnel with training pertaining to the proper handling of suspected terrorism-related activity and ensuring adherence to the guidelines established regarding developmental information and intelligence systems.

AMENDMENTS: This Order adds section 4/271.46 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Counter Terrorism and Criminal Intelligence Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30 and shall ensure that all information is collected and maintained in strict compliance with existing federal, State and Department guidelines regarding Criminal Intelligence Systems (28 C.F.R., Part 23 and applicable California State Guidelines).

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